IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Bail Appl..No. 5560 of 2007()

[CRIME NO.88/07 OF KORATTY POLICE STATION]

PETITIONER/ACCUSED 14 & 15

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1. K.N.SHAJAN, AGED 42 YEARS,
REAL ESTATE BUSINESS,
S/O. NARAYANAN, KIZHAKKUEETIL HOUSE,
KONOOR DESOM, MURINGOOR THEKUMURY VILLAGE,
CHALAKUDY, TRICHUR.

2. V.P.PAULSON,AGED 42 YEARS,
RICE MERCHANT,S/O.PAILAPPAN,VALLOORAN HOUSE,
NALUKETTU P.O., CHALAKUDY.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS: STATE

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5560 of 2007

Dated this the 17th day of September 2007

O R D E R

Application for anticipatory bail. The petitioners apprehend arrest in a crime registered inter alia under Section 395 I.P.C. The petitioners submit that they are not in any way responsible for the principal offences committed by the co-accused. Anticipatory bail may, in these circumstances, be granted to the petitioners - Accused 14 and 15.

2. The learned Public Prosecutor, after taking instructions, submits that there is no allegation against the petitioners that they have committed any non-bailable offences. The only allegation against the petitioners is that they have committed the offence punishable under Section 212 I.P.C. The fourth accused is alleged to have gone to Accused 14 and 15 after commission of the crime and then they had allegedly given an amount of Rs.1,000/- to the fourth accused. In these circumstances, no directions under Section 438 Cr.P.C are liable to be isued in favour of the petitioners, submits the learned Public Prosecutor.

2. I take note of and record the submissions of the learned Public Prosecutor that the petitioners are not required to be arrested in connection with any non-bailable offences and that they are required to be arrested only for the bailable offence punishable under Section 212 I.P.C.

3. The apprehension of the petitioners is thus found to be without any merit. This application for anticipatory bail is, in these circumstances, dismissed with the observation that the petitioners shall be at liberty to appear before the investigating officer or the learned Magistrate and then seek regular bail in the ordinary course.

4. This petition is accordingly dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007